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Economic and Social Council

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Committee on Economic, Social and Cultural Rights

List of issues in relation to the second periodic report of Turkmenistan*

I. General information

1. Please provide information on the availability of effective remedies for individuals claiming a violation of the rights under the Covenant. Please provide information on the steps taken to ensure the independence and impartiality of the judiciary.

2. Please provide examples of cases where the Covenant has been invoked in national courts of law. If the provisions of the Covenant have not been invoked in the courts, please provide information on any obstacles encountered.

3. Please provide information on concrete steps taken to amend the Ombudsman Act in order to ensure that the Ombudsman can function as an independent national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) with a mandate which includes economic, social and cultural rights.

II. Issues relating to general provisions of the Covenant (arts. 1-5)

Maximum available resources (art. 2 (1))

4. Please provide information on the evolution over the past 10 years of:

(a) The proportion of people below the international poverty line and below the poverty line as defined at national level, and the levels of inequality, defined as the ratio between the total income accruing to the richest decile of the population and the total income of the 40 per cent poorest in the population;

(b) The proportion of public revenues that is financed through taxes;

(c) The rates of taxes levied on corporate profits, on personal incomes and value added tax (VAT) (exclusive of VAT on luxury items, tobacco/alcohol or sugary drinks/snacks and gasoline) respectively, and the percentage of total revenues from personal income taxes that are collected from the richest decile of the population;

(d) Public expenditure as a percentage of gross domestic product (GDP) and, within total public expenditure, the proportion of the public budget that is dedicated to social priorities (education, food, health, water and sanitation, housing);

(e) Inflation-adjusted absolute levels of spending on those social priorities.

* Adopted by the pre-sessional working group at its sixty-first session (9-13 October 2017).

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Non-discrimination (art. 2 (2))

5. Please indicate whether the State party intends to establish comprehensive anti-discrimination legislation. Please provide information on the implementation of those provisions of laws that prohibit discrimination in the State party, in particular in the fields of education and employment, and whether those provisions effectively prohibit discrimination on all grounds, including national or social origin and gender identity, in all aspects of life. Please indicate what measures have been taken to combat and prevent discrimination against persons with disabilities, in particular with respect to the right to education and housing.

6. Please provide information on measures taken to ensure that "third generation tests" are not administered in the State party. Please provide specific information on measures to protect ethnic minorities from discrimination, including in housing, education and employment. Please provide statistical data on the representation of ethnic minorities in all sectors, including in the Mejlis.

Equal rights of men and women (art. 3)

7. Indicate what action is being taken to eliminate negative traditional attitudes or practices and deep-rooted stereotypes that discriminate against women. Please also indicate what specific temporary special measures have been taken to improve women's enjoyment of their economic, social and cultural rights, including in employment and higher education.

8. Please provide information on the impact of the national plan of action on gender equality (2015-2020) on women's enjoyment of economic, social and cultural rights, and on the financial and human resources allocated for the effective implementation of the plan.

III. Issues relating to the specific provisions of the Covenant (arts. 6-15)

Right to work (art. 6)

9. Please provide information on the impact of the decree on matters of registration of individuals arriving in Ashgabat for employment purposes, and on the ability of residents from other regions to seek employment in Ashgabat, without discrimination.

10. Please provide information on the impact of the measures taken, in particular under the 2015-2020 programme to enhance the employment sector and create new jobs, to reduce unemployment, in particular among women, persons with disabilities and ethnic or national minorities, including statistics disaggregated by sex, age, ethnic group and rural/urban areas.

11. Please provide information on the implementation and impact of the action plan to ensure full realization of the labour and employment rights of persons with disabilities (2017-2020) and whether the plan will lead to removal of the category of "unemployable" persons with disabilities.

Right to just and favourable conditions of work (art. 7)

12. Please provide further detailed information by sector on the wage gap between men and women and indicate the measures that have been taken to give effect to the principle of equal pay for work of equal value and reduce the gender pay gap and the impact thereof.

13. Please indicate the measures taken to review the prohibition of certain professions for women. Please provide information on the measures taken to increase the representation of women in employment in the public and private sectors.

14. Please provide information on the steps taken to eliminate forced and compulsory labour imposed on farmers and ordinary citizens, including children, during the cotton harvest.

Trade union rights (art. 8)

15. Please provide information on the steps taken to ensure that workers can freely exercise their right to form and join trade unions outside the National Trade Union Centre, on the degree of unionization and on the reason for the current existence of only one trade union. Please provide further information on how the act on the organization and holding of meetings, rallies, demonstrations and other mass events (see the report of the State party (E/C.12/TKM/2), para. 83) fully allows for the exercise of the right to strike and please indicate any restrictions on the right to strike in the public and private sectors and the justification for them.

Right to social security (art. 9)

16. Please also indicate what the legally established minimum amounts of pension and unemployment benefits are and whether they are periodically reviewed to ensure that they are sufficient for an adequate standard of living for recipients and their families.

Protection of the family and children (art. 10)

17. Please provide information on the steps taken to adopt specific legislation criminalizing domestic violence and marital rape. Please provide information on the number of registered cases of domestic violence, including marital rape and the sexual abuse of women and children, in the reporting period, the legal assistance available to victims and the sanctions imposed on perpetrators.

18. Please provide updated information on whether a draft national action plan for children has been finalized under the national action plan on human rights 2016-2020 and whether it contains specific measures to effectively eliminate child labour and the trafficking of children.

Right to an adequate standard of living (art. 11)

19. Please provide statistical data on poverty, including on the number of persons under the poverty line, disaggregated by year, sex, ethnic group and urban and rural residence. Please provide information on the steps taken to adopt a policy for the reduction of poverty.

20. Please provide updated information on the measures taken to improve access to safe drinking water and adequate water sanitation, especially in rural areas. Please also provide information on how the new water code of Turkmenistan, adopted in 2016, addresses concern over water quality, especially in rural areas.

21. Please provide information on the mass house demolitions and forced evictions which took place in connection with the 2017 Asian Indoor and Martial Arts Games, including data on the numbers of households affected. Please provide information on the measures taken to ensure that any evictions deemed necessary complied with international human rights law.

Right to physical and mental health (art. 12)

22. Please provide information on the percentage of the population that benefit from health-care coverage, disaggregated by economic sector and geographic region. Please provide information on the policy being pursued to address the issue of drug use.

23. Please provide information on educational programmes on sexual and reproductive health and the measures taken to prevent unwanted pregnancies.

24. Please provide information on the steps taken to ensure the free choice of women to seek abortion in safe conditions in accordance with domestic legislation. Please provide updated information on the measures taken to reduce the high rates of maternal and infant mortality and the context in which expenditure on health care as a percentage of GDP has been decreasing in recent years.

25. Please inform the Committee whether the right to non-discrimination of people living with HIV is promoted and protected through the national programme to combat HIV infection (2012-2016).

26. Please provide information on whether steps have been taken to eliminate the quotas imposed on health practitioners for the delivery of health services.

Right to education (arts. 13-14)

27. Please provide information on the measures taken to facilitate the education of ethnic minorities and to enable them to study in their mother tongue.

28. Please provide information on the measures taken to ensure that students who seek higher education abroad are not prevented from leaving the country to pursue their studies, and on the steps taken to eliminate the obstacles faced by students upon their return in having their foreign diplomas recognized.

29. Please indicate the measures taken to end the charging of unofficial fees for access to higher education, including examples of cases where individuals accepting bribes have been held accountable.

Cultural rights (art. 15)

30. Please provide information on the measures taken to protect the cultural heritage of ethnic and linguistic minorities in the State party and create favourable conditions for them to preserve, develop, express and disseminate their identity, history, culture, language, traditions and customs.

31. Please indicate the measures taken to ensure the greatest possible access to the Internet, including stopping the censorship of electronic communications and controlling access to Internet sites. Please provide statistical data on the number of websites which are restricted and the criteria for those restrictions.

32. Please provide information on the impact of the new law on religious organizations and religious freedom (2016) on the ability of individuals to practice their religion freely, without State interference. Please provide data on the number of applicant organizations that were refused registration under that law and information on the rationale for those decisions.